

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35455, 35479, 35480, 35481

STATE OF IDAHO,)	2009 Unpublished Opinion No. 539
)	
Plaintiff-Respondent,)	Filed: July 22, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
CLINTON BORCK,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgments of conviction and consecutive unified sentences of two years with one year determinate for operating a vehicle without the owner's consent, four years with two years determinate for aggravated assault, life with twenty years determinate for rape, and ten years with five years determinate for felony domestic battery, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

In this consolidated appeal, Clinton Borck was convicted of operating a vehicle without the owner's consent, Idaho Code § 49-227; aggravated assault, I.C. §§ 18-905(a), (b) and/or (c), 18-906; rape, I.C. §§ 18-6101(1), 18-6104; and felony domestic battery, I.C. §§ 18-918(2)(a) and (b). The district court imposed consecutive sentences of two years with one year determinate for operating a vehicle without the owner's consent (Docket No. 35455); four years with two years determinate for aggravated assault (Docket No. 35479); life with twenty years determinate for

rape (Docket No. 35480); and ten years with five years determinate for felony domestic battery (Docket No. 35481). Borck appeals, contending that the sentences are excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Borck's judgments of conviction and sentences are affirmed.